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APPLICATION NO.	FII	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/533,547	03/23/2000		Randall S. Kent	JAO 28796.02	3851
9629	7590	06/22/2004		EXAMINER	
		& BOCKIUS LLP A AVENUE NW	MCKANE, ELIZABETH L		
WASHING				ART UNIT	PAPER NUMBER
				1744	

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
Advisory Action	09/533,547	KENT ET AL.					
,	Examiner	Art Unit					
	Leigh McKane	1744					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
THE REPLY FILED 27 May 2004 FAILS TO PLACE TH Therefore, further action by the applicant is required to a final rejection under 37 CFR 1.113 may only be either: (1 condition for allowance; (2) a timely filed Notice of Appea Examination (RCE) in compliance with 37 CFR 1.114.	void abandonment of this applice  a timely filed amendment whi	cation. A proper reply to a					
PERIOD FOR RE	PLY [check either a) or b)]						
a) The period for reply expires 6_months from the mailing date of the period for reply expires on: (1) the mailing date of this Advevent, however, will the statutory period for reply expire later the ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The dath have been filed is the date for purposes of determining the period of extens 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened (b) above, if checked. Any reply received by the Office later than three moleaned patent term adjustment. See 37 CFR 1.704(b).	isory Action, or (2) the date set forth in the an SIX MONTHS from the mailing date of FILED WITHIN TWO MONTHS OF THE e on which the petition under 37 CFR 1.1 sion and the corresponding amount of the statutory period for reply originally set in	f the final rejection.  E FINAL REJECTION. See MPEP  36(a) and the appropriate extension fee fee. The appropriate extension fee under the final Office action; or (2) as set forth in					
1 A Notice of Appeal was filed on 19 May 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.							
2. The proposed amendment(s) will not be entered be	ecause:						
(a) 🛛 they raise new issues that would require further	er consideration and/or search (	see NOTE below);					
(b) ☐ they raise the issue of new matter (see Note below);							
<ul><li>(c) ☐ they are not deemed to place the application i issues for appeal; and/or</li></ul>	n better form for appeal by mate	erially reducing or simplifying the					
(d) $\square$ they present additional claims without canceling a corresponding number of finally rejected claims.							
NOTE: see attachment.							
3. Applicant's reply has overcome the following reject	tion(s):						
4. Newly proposed or amended claim(s) would canceling the non-allowable claim(s).	be allowable if submitted in a se	eparate, timely filed amendment					
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for application in condition for allowance because:	reconsideration has been cons	idered but does NOT place the					
6. The affidavit or exhibit will NOT be considered becaraised by the Examiner in the final rejection.	ause it is not directed SOLELY	to issues which were newly					
7. For purposes of Appeal, the proposed amendment explanation of how the new or amended claims we	(s) a)⊠ will not be entered or b ould be rejected is provided belo	o will be entered and an own or appended.					
The status of the claim(s) is (or will be) as follows:		.,					
Claim(s) allowed: none.							
Claim(s) objected to: none.							
Claim(s) rejected: <u>1-28, 30, 34, 36-83, and 173-196</u> .							
Claim(s) withdrawn from consideration:							
8. The drawing correction filed on is a) appr	roved or b) disapproved by t	he Examiner					
9. Note the attached Information Disclosure Statemen							
10. Other:	( )( · · · · · · · · · · · · · · · · · ·	·					
		Leigh/McKane Primary Examiner Art Unit: 1744					

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## **Advisory Action**

1. The amendment filed May 27, 2004 under 37 CFR 1.116 in reply to the final rejection has been considered but is not deemed to place the application in condition for allowance and will not be entered because: The proposed amendment raises new issues that would require further consideration and/or search.

For example, claim 197 would be rejected under 35 U.S.C. §102 as being anticipated by Horowitz et al (U.S. Patent No. 5,981,163), which teaches adding any of ascorbate, mannitol, or tryptophan to a tissue (blood) and irradiating the blood with gamma radiation. Note that blood, by definition, is a connective tissue. Furthermore, given the teachings in the prior art to use other stabilizers for protecting other types of tissue during irradiation, it would have been obvious to use the stabilizers of Horowitz et al when irradiating other types of biological tissues.

## Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leigh McKane whose telephone number is 571-272-1275. The examiner can normally be reached on Monday-Wednesday (7:15 am-4:45 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 571-272-1275. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leigh McKane

**Primary Examiner** 

Art Unit 1744

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21 June 2004